



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

CONSTRUCTION CODE COMMISSION

Ottawa Building, Upper Level Conference Room #3
611 West Ottawa Street
Lansing, Michigan 48933

APPROVED 04/12/2017

MINUTES

January 11, 2017

9:30 a.m.

MEMBERS PRESENT

Mr. William Benoit, Jr., Chairperson
Mr. Thomas Baldwin
Mr. Michael Boss
Mr. Frederick Butters
Mr. James Cripps
Mr. Matthew Reno
Mr. Donald Staley
Dr. Joseph Sucher
Mr. Kenneth Misiewicz
Mr. Daryl Gallant
Mr. Adam Krouse

MEMBERS ABSENT

Mr. Anthony D'Ascenzo
Mr. Thomas Erdman
Mr. Matt Zurbrick
Mr. Greg Pollock
Mr. Roger Papineau
Mr. William Duffield

DEPARTMENT PERSONNEL ATTENDING

Mr. Keith Lambert, Director, BCC
Ms. Alesha Gensler, Deputy Director, BCC
Ms. LeeAnn Allaire, Manager, Administrative Services Division, BCC
Ms. Lakisha Thomas, Word Processing Assistant, Administrative Services Division, BCC
Ms. Dianne Barmes, Manager, Licensing & Complaints Division, BCC
Mr. Kevin Kalakay, Chief, Mechanical Division, BCC
Mr. Andy Neuman, Assistant Chief, Plumbing Division, BCC
Mr. Charles Curtis, Assistant Chief, Building Division, BCC

OTHERS IN ATTENDANCE

Mr. Bill Denner, Assistant Attorney General
Ms. Cynthia Maher, Executive Director, MPMCA
Mr. Doug Guldán, Waste Water Heat Transfer Systems, LLC
Mr. Brindley Byrd, MIPECP
Mr. Jack Williams, Building Official, City of Highland Park
Mr. Gerald Steinkraus, Owner, Blissful Barn, LLC
Mr. Zachaira Bonham, Attorney for Blissful Barn, LLC, JKY Legal Group, P.C.

Providing for Michigan's Safety in the Built Environment

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairperson Benoit called the meeting to order at 9:30 a.m. A quorum was present at that time.

2. APPROVAL OF AGENDA

A **MOTION** was made by Commissioner Misiewicz and **SECONDED** by Commissioner Boss to approve the agenda. **MOTION CARRIED.**

3. APPROVAL OF MINUTES

A **MOTION** was made by Commissioner Baldwin and **SECONDED** by Commissioner Staley to approve the minutes for the October 5, 2016 meeting. **MOTION CARRIED.**

4. BUREAU REPORT

Mr. Lambert provided information on the following:

- a) The Health Facilities Evaluation Section from the Bureau of Community and Health Systems will be joining the Bureau of Construction Codes effective January 30, 2017.
- b) 2016 PA 407, Skilled Trades Regulation Act takes effect on April 4, 2017.
- c) Code updates:
 - a. The 2015 Michigan Building Code takes effect on April 20, 2017.
 - b. The 2015 Michigan Plumbing Code takes effect on April 20, 2017.
 - c. The 2015 Michigan Mechanical Code takes effect on April 12, 2017.
 - d. The 2015 Michigan Rehabilitation Code became effective immediately on December 13, 2016.
 - e. The 2015 Michigan Energy Code is expected to be in effect early this summer.
- d) Guidance received from counsel regarding interpretations, the Administration and Enforcement application process, withdrawing authority, and fees set by a legislative body of a governmental subdivision.

5. ADMINISTRATION & ENFORCEMENT COMPLAINTS

Mr. Lambert informed the Commission that notification of complaints and requests for review and correction of noncompliant practices were mailed to the following local municipalities:

- a) City of Belleville

- b) Village of Carleton
- c) City of Inkster
- d) City of Trenton
- e) City of Dearborn

6. ADMINISTRATION & ENFORCEMENT CRITERIA DISCUSSION

- a) Mr. Lambert provided the statutory criteria from MCL 125.1508b, required for the responsibility to Administer and Enforce, which includes the following:
 - a. Enforcing agency qualifications by experience or training
 - b. Agency personnel provided
 - c. Administrative services provided
 - d. Plan review services provided
 - e. Timely field services provided
 - f. Additional information deemed necessary
- b) Chairperson Benoit lead further discussion by the Commission to determine what additional information is deemed necessary to be added or revised on the current application.

Following discussion, the Commission determined a proposed business plan is deemed necessary for application to administer and enforce. An ad hoc committee with 3 Commissioners will be formed to further develop the items to be included in the proposed business plan and any application revisions.

- c) Bureau reporting language will be unbiased. The Commission will make its determination based on what is submitted to the bureau.

7. RECEIPT OF APPLICATIONS TO ADMINISTER AND ENFORCE, MCL 125.1508b

Mr. Lambert informed the Commission a decision shall be rendered within 90 days of receipt of an application to administer and enforce. The receipt of an application begins when the application is submitted to the Commission. The Commission accepts receipt of the following applications:

- a) Village of Onsted/Lenawee County (mechanical and plumbing)
- b) City of Highland Park/Wayne County (building, electrical, mechanical and plumbing)
- c) Fawn River Township/St. Joseph County (mechanical)
- d) Village of Colon/St. Joseph County (building, electrical and mechanical)
- e) Tuscola Township/Tuscola County (building, electrical, mechanical and plumbing)
- f) Village of Burlington/Calhoun County (building, electrical, mechanical and plumbing)

8. SCHEDULE DECISIONS FOR APPLICATIONS TO ADMINISTER & ENFORCE, MCL 125.1508b

- a) Applications listed in item #7 on the agenda will be placed on the April 12, 2017 meeting agenda.
- b) Additional information needed for reporting and recommendations to be determined by the ad hoc committee.

9. APPEALS TO COMMISSION, MCL 125.1516

a) Gerald Steinkraus (Blissful Barn, LLC) vs. Galien Township

Mr. Zachaira Bonham, JKY Legal Group, P.C., representing Mr. Gerald Steinkraus, Blissful Barn, LLC, submitted application to the Commission to appeal Galien Township's Construction Board of Appeals' denial of a variance from the requirements of the Michigan Building Code, Fire Protection Systems, Section (F) 903.2.1.2 in accordance with MCL 125.1515.

The respondent, Galien Township, had no representation present.

Following review and discussion, a **MOTION** was made by Commissioner Baldwin and **SECONDED** by Commissioner Butters to deny the appeal of Galien Township's decision due to the lack of a sufficient alternative to fire protection system requirements. **MOTION CARRIED.**

b) Jonathan Boskovich (Charter Oaks Subdivision) vs. City of Taylor

Mr. Jonathan Boskovich, Infinity Construction Services, submitted application to the Commission to appeal the City of Taylor's Construction Board of Appeals' denial of a variance from the requirements of the 2015 Michigan Residential Code, Section R311.3, seeking to install guard railing on the rear doorwall at Charter Oaks Subdivision, specifically homes located at: 11617 and 11659 Golfcrest Dr; and 26632, 26626, 11889, 11935, 11977, 11848 and 11740 Lake Pointe Dr.

The petitioner, Jonathan Boskovich, and the respondent, City of Taylor, had no representation present.

Following review and discussion, a **MOTION** was made by Commissioner Baldwin and **SECONDED** by Commissioner Misiewicz to approve the appeal of the City of Taylor's Construction Board of Appeals' denial of a variance thereby allowing installation of guard railing as an alternate barrier at the above addresses. **MOTION CARRIED.**

10. PETITIONS FOR APPROVAL/CERTIFICATES OF ACCEPTABILITY, MCL 125.1521

1. LIBERTY PUMPS, INC., LIBERTY PUMPS ELV OILTECTOR® ELEVATOR SUMP PUMP SYSTEMS

Mr. Paul Lahr presented, via telephone, Mr. Jeffrey Waterman's application for a certificate of acceptance from Liberty Pumps, Inc. for Liberty Pumps ELV OilTector® Elevator Sump Pump Systems, including ELV OilTector®, ELV Auto-Valve OilTector®, and ELV Duplex OilTector® models, for compliance with ASME A17.1-2010, Safety Code for Elevators and Escalators, Elevator Safety Board Rule 408.7033, Drains and Sump Pumps, and the Michigan Plumbing Code 2012, Section 1003.4, Oil Separators Required.

Following discussion, a **MOTION** was made by Commissioner Boss and **SECONDED** by Commissioner Cripps to take no action since it is not in the purview of the Construction Code Commission to grant product approval for products clearly addressed by code. **MOTION CARRIED.**

2. NORTHERN CONCRETE PIPE, INC., PRECAST CONCRETE GREASE INTERCEPTORS

Mr. John Balogh submitted application for certificate of acceptance from Northern Concrete Pipe, Inc. for Precast Concrete Grease Interceptors, including 500, 750, 1000, 1500, 2000, 2500, 3000, 3500, 4000 gallon models, seeking method or manner of construction or installation approval. Precast concrete grease interceptor tanks meet ASTM Designation C16-13-10; however, standard does not address installation/piping method.

Following discussion, a **MOTION** was made by Commissioner Boss and **SECONDED** by Commissioner Cripps to take no action since it is not in the purview of the Construction Code Commission to grant product approval for products clearly addressed by code. **MOTION CARRIED.**

3. WASTE WATER HEAT TRANSFER SYSTEMS, LLC, HEAT WAVE

Mr. Doug Guldan, presented an application for a certificate of acceptance from Waste Water Heat Transfer Systems, LLC for Heat Wave (Liquid to Liquid Heat Recovery Unit), model W2-80-4-1, for compliance with NSF/ANSI 61 Standard.

Following discussion, a **MOTION** was made by Commissioner Boss and **SECONDED** by Commissioner Cripps to take no action since it is not in the purview of the Construction Code Commission to grant product approval for products clearly addressed by code. **MOTION CARRIED.**

11. UNFINISHED BUSINESS

None

12. NEW BUSINESS

None

13. PUBLIC COMMENT

- a) Mr. Jack Williams requested that the Commission and bureau move forward with determining the Application to Administer and Enforce submittal process.
- b) Mr. Charles Curtis announced that he will be retiring on March 31st after 28 years of service with the Bureau.

14. 2017 MEETING DATES

The Commission is scheduled to meet at 9:30 a.m. at 611 W. Ottawa, Lansing, MI 48933 in Upper Level Conference Room 4 on April 12, 2017, July 12, 2017 and October 11, 2017.

15. ADJOURNMENT

A **MOTION** was made by Commissioner Misiewicz and **SECONDED** by Commissioner Cripps to adjourn the meeting at 11:58 a.m. **MOTION CARRIED.**